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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,080	02/05/2004	Italo Corzani	CM2598MC	6036

27752 7590 07/01/2005

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CINCINNATI, OH 45224

EXAMINER
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JOHNSON, EDWARD M

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,080

Applicant(s)

CORZANI ET AL.

Examiner

Edward M. Johnson

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 1754

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the term "said" is used in line 5. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1754

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hauck et al. US 4,793,921.

Regarding claims 1, 4, 8, Hauck '921 discloses an adsorbent layer of silica gel doped with 0.9 ml HCl in methanol (see Example 1 and claim 1), which would inherently correspond to 1000 ppm and at least about 0.5 nm on a molecular level.

Regarding claims 2-3 and 5, Hauck '921 discloses HCl in methanol, which would inherently correspond to an adsorption capacity of 8 mg/g or 30% greater and at least about 0.5 nm on a molecular level.

Regarding claims 6-7 and 9-10 Hauck '921 discloses silica gel adsorbent.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Art Unit: 1754

6. Claims 11-13 and 15-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck '191 in view of Leman US 5,719,101.

Regarding claims 11, 18, 24, 28, 32, 35, and 38, Hauck fails to disclose metals or organo-metallics.

Leman '101 discloses metallic chelate, such as phthalocyanine (see column 6, lines 37-41) and copper (see column 5, lines 5-12).

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use precipitated salts, the phthalocyanine and copper of Leman in the adsorbent of Hauck because Leman discloses the phthalocyanine and copper in a porous, granular, adsorbent material (column 1, lines 9-12) to provide places favoring catalysis effects (see column 5, lines 5-8) and for sweetening of petroleum cuts (see column 6, lines 39-41).

Regarding claims 12-13, Leman '101 discloses copper (see column 5, lines 5-12).

Regarding claims 15-17, 20-23, 25-27, 29-31, 33-34, 36-37, and 39 Leman '101 discloses impregnation of 2.5-4 kg per cubic meter of granulate (see Example 2).

Art Unit: 1754

Regarding claim 19, Leman '101 discloses metallic chelate, such as phthalocyanine (see column 6, lines 37-41) and copper (see column 5, lines 5-12).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck '191 in view of Leman '101 as applied to claim 13 above, and further in view of Wieserman et al. US 5,037,795.

Regarding claim 14, Hauck fails to disclose silver.

Wieserman '795 discloses silver and gold (see column 5, lines 10-11).

It is considered that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the silver or gold of Wieserman in the adsorbent of Hauck because Wieserman discloses the silver for forming the chromatographic material (see column 5, lines 1-7).

#### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wieserman et al. US 4,994,429 discloses active material useful as adsorbent comprising metal oxides and organic acid (see abstract, Examples).

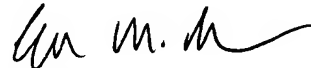
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M.

Art Unit: 1754

Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edward M. Johnson  
Examiner  
Art Unit 1754

EMJ